

Exhibit 4: Mitigation Monitoring and Reporting Program

Table 5.1 Mitigation, Monitoring, and Reporting Program				Tijuana River Estuary Sediment Fate and Transport Study		
Impact	Mitigation Measure	Location	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
III. AIR QUALITY b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation. c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).	MM Air-1 Work areas, including stockpiled sediments, shall be wet down regularly;	Processing pad, stock piles, dirt roads, beach, as necessary	Contractor's run log report to CDPR	Minimize air-born pollutant	CDPR	As needed and in response to environmental conditions (e.g., heat, wind, etc)
	Traffic speed on the unpaved horse trail road shall be limited to 15 miles per hour;	Dirt roads	Project monitor to notify CDPR if violations are noted	Minimize air-born pollutant	CDPR	Project implementation
	All equipment engines shall be maintained in good condition, in proper tune (per manufacturer's specifications), and in compliance with all State and Federal requirements; and	Throughout the TRNERR	Equipment service report to CDPR	Minimize air-born pollutant	CDPR	Pre-construction and with fleet adjustments.
	Efforts shall be made (where practicable) to minimize idling times for all construction equipment utilized by the proposed project.	Processing pad, beach	Project monitor to notify CDPR if violations are noted	Minimize air-born pollutant	CDPR	Project implementation
IV. BIOLOGICAL RESOURCES a) Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a	MM Bio-1 A qualified wildlife biologist shall monitor project implementation to ensure that active nesting behavior by all raptors and threatened and endangered bird species is	Project area and buffers	Weekly reports to CDPR and CDFG	Protect sensitive wildlife and habitats	CDPR, CDFG	Pre-construction and weekly through project implementation

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<p>sensitive, candidate, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.</p> <p>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.</p>	<p>protected through use of appropriate buffers, rerouting of haul trucks or suspension of project activities;</p> <p>A bio-monitor shall be present regularly on-site during all phases of project implementation to ensure that perimeter construction fencing is being maintained and to minimize the likelihood that nests containing eggs or chicks are abandoned or fail due to construction activity. A bio-monitor shall perform a pre-construction survey and also perform periodic inspections of the construction site during all phases of project implementation to ensure that impacts to all sensitive plants and wildlife are minimized. Regular inspections should take place once or twice a week, depending on the sensitivity of the resources. The bio-monitor shall send weekly monitoring reports to CDPR and shall notify both CDPR and CDFG immediately if project activities extend outside the permitted project footprint;</p>					

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	A minimum 400-yard buffer zone south of the slough mouth shall be incorporated into the project design to minimize impacts to the over-wintering population of snowy plover. This buffer shall be staked and delineated with signs as described in Mitigation Measure Rec-1; all vehicle traffic and primary construction activities shall be prohibited from this area;	Tijuana River mouth and Border Field State Beach	Line item in monitoring reports	Maintain buffer	CDPR	Weekly and as needed
	The project shall utilize project monitors including qualified western snowy plover biologists to ensure compliance with the above measure and to monitor plover behavior. The monitor, in consultation with the CDPR, shall have the authority to suspend work as needed or increase the required buffer to up to 600 yards south of the slough mouth to protect the plover;	Project area and buffer	Line item in monitoring reports	Protect bird species, wildlife, plants and habitat	CDPR	Throughout project implementation

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	All heavy equipment operation shall be prohibited from the dunes and beach berm, except where the horse trail road and Monument Road enter the beach, where steel grating plates shall be employed at dune crossing points. All construction activity would be precluded from the beach berm which would be staked and signed "no vehicle entry" and enforced by project monitors.	Beach and dune habitat	Line-item in monitoring reports	Maintain fence	CDPR	Throughout project implementation
	Monument Road would be used as the wet-weather truck haul route	Monument Road	Line item in monitoring reports with weather notice	Stable road conditions; control run-off	CDPR	Weekly throughout implementation, and as determined by weather
	The horse trail road would be used only during dry weather conditions and regular monitoring and/or implementation of sediment control measures (see MM GEO-1) would be required to ensure erosion is minimized.	Horse trail road	Line item in monitoring reports with weather notice	Stable road conditions; control run-off	CDPR	Weekly throughout implementation, and as determined by weather

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<u>V. CULTURAL RESOURCES</u> a) Cause a substantial adverse change in the significance of a historical resource, as defined in §15064.5. b) Cause a substantial adverse change in the significance of an archaeological resource, pursuant to §15064.5.	<u>MM CULTURAL-1</u> A historic study, including a map and literature review, in order to define the precise location of the remains and foundations of historic WW-II buildings that lie beneath and around Monument Road shall be completed;	Monument Road	Report to CDPR	Adequate understanding of historic resources	CDPR	Pre-construction
	Archaeological testing to identify building foundation edges, confirm mapped building locations and current elevation for remains of those historic structures in close proximity to or underlying Monument Road that have the potential to be affected by compression or compaction from heavy vehicle use or by any road repairs/improvements deemed necessary for successful implementation of the proposed project shall be undertaken;	Monument Road	Report to CDPR	Adequate understanding of historic resources	CDPR	Pre-construction

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	An engineering review of the structural adequacy of Monument Road to (1) accommodate heavy haul equipment, (2) the estimated potential for such haul traffic to cause substantial damage to the road, (3) identify any possibility of subsurface compaction or compression below the road grade, (4) recommendations for any road improvements that would be necessary to prevent damage to the road and those resources beneath the road, and (5) determination of any road improvements needed to accommodate the project and/or return the road to its pre-project state shall occur;	Monument Road	Report to CDPR	Adequate understanding of road stability and condition, and potential need for improvements. Identification of improvement and repair protocol	CDPR	Pre-construction
	The roads utilized for sediment transportation and the surrounding areas will be photo documented before, during, and after completion of the project in order to document environmental conditions before, during, and after all stages of work;	Monument Road	Project monitor to submit reports to CDPR cultural staff.	Reduce impact to Monument Road and associated resources	CDPR	Pre-construction, throughout Project implementation, and post construction

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	All vehicles associated with the project shall remain on designated roadways at all times, with the exception of clearly defined beach areas; An archaeologist shall conduct "spot checks" of the work to ensure the transport vehicles are remaining on the designated roadways.	Throughout project area	Project monitor to notify CDPR if violations are noted	Reduce impact to resources in proximity to road	CDPR	Throughout project implementation

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	<p>In the event that road work is necessary before, during, or after the completion of the project a qualified archaeological monitor shall be required to be present during the work to ensure that any accidental discoveries of archaeological resources are correctly identified and evaluated for their significance.</p> <p>The Native Americans on the contact list shall be advised of the road work and invited to participate in the monitoring activities. The monitor(s) shall have the authority to temporarily stop work in the immediate vicinity of the find, if necessary. Work shall be suspended until the appropriate evaluations and treatments are conducted and approval is obtained from CDPR to continue work. During this time, work may be redirected to other areas while the cultural resources are evaluated.</p>	Throughout project area	Road-work needs immediately reported to CDPR Cultural Resources Specialist and Native American contacts. Monitoring report to CDPR Project Manager	Reduce impacts to cultural resources	CDPR	Throughout project implementation

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	<p>In the event any human remains, associated funerary objects, or items as defined by the Native American Graves Protection and Repatriation Act (NAGPRA), including sacred objects and objects of cultural patrimony, are discovered during any ground-disturbing activities, work shall be stopped immediately and the archaeologist(s) shall be immediately consulted. In addition, the following guidelines will be adhered to:</p> <ul style="list-style-type: none"> ▪ All discovery remains shall be treated with dignity and respect; unnecessary disturbance of remains or associated objects will be avoided. ▪ The area of discovery will be isolated and the State Representative notified. ▪ Pursuant to Health and Safety Code §7050.5, the County Coroner will be notified to make a determination whether the remains are Native American or not. 	Throughout project area	Immediate notification of project archaeologist	Reduce impacts to cultural resources	CDPR	Throughout project implementation

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	Any recovered artifacts shall be collected and prepared for curation according to Departmental standards	Throughout project area	All curation activity and scheduling to be approved by CDPR archaeologist	Reduce impacts to cultural resources	CDPR	Throughout project implementation
<u>VI. GEOLOGY AND SOILS</u> b) Result in substantial soil erosion or the loss of topsoil.	<u>MM GEO-1</u> Detailed best management practices (BMPs) shall be developed prior to implementation of the proposed project to address erosion, sedimentation, and surface water runoff concerns; and	Throughout project area	CDPR sign-off of BMPs	Stable soils and geologic features	CDPR	Pre-construction

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f) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature.	The horse trail road would not be used during rain events. Additionally, the road would be monitored and any necessary erosion control measures would be implemented to prevent erosion and sedimentation to the surrounding marsh areas. At the discretion of the project monitor and State Park personnel, erosion control measures may include limited use of gravel within the existing road bed and installation of silt fencing and straw waddle and/or other sediment-retention measures along the edges of the road. The road would be restored to its existing condition upon cessation of the proposed project.	Horse trail road	Line item in monitoring reports with necessary evaluation as determined by weather conditions	Stable road conditions; control run-off	CDPR	Weekly throughout implementation, and as determined by weather

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<u>VII. HAZARDS AND HAZARDOUS MATERIALS</u> a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	<u>MM HAZMAT-1</u> All equipment shall be inspected for leaks immediately prior to the start of project activities, and regularly inspected henceforth until equipment is removed from the premises;	Throughout project area	Contractor's Inspection log submitted to CDPR	Clean equipment, no discharge.	CDPR	Pre-construction evaluation and report. Daily equipment inspections as needed.

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<p>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials, substances, or waste into the environment.</p> <p>d) Be located on a site which is included on a list of hazardous materials sites, compiled pursuant to Government Code §65962.5, and, as a result, create a significant hazard to the public or environment.</p>	<p>The contractor(s) shall prepare an emergency spill response plan prior to the start of the project and maintain a spill kit on-site throughout the duration of the proposed project. The emergency plan shall include a map delineating staging areas, where refueling, lubrication, and maintenance of equipment may occur. In the event of a spill or release of any chemical during activities associated with the proposed project, on or adjacent to wetlands or on park property, the contractor shall immediately notify the appropriate CDPR staff (e.g., project manager or supervisor). Emergency containment procedures shall be initiated immediately to prevent wetland or beach contamination;</p>	Throughout project area	Submit plan prior to construction. Contractor shall immediately contact CDPR in event of spill	Avoid spills. Fully prepared to control and clean all spills	CDPR	Pre-construction

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h) Expose people or structures to a significant risk of loss, injury, or death from wildland fires, including areas where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	Equipment shall be cleaned and repaired outside park boundaries, with the exception of emergency situations. All contaminated water, sludge, spill residue, or other hazardous compounds shall be disposed of outside park boundaries, at a permitted or authorized location;	Off site	Project monitor to notify CDPR if violations are noted	No deposition of contaminants within the reserve or adjacent ocean waters.	CDPR	Pre-construction and throughout project implementation.
	All sediment being transported, sorted, and deposited shall be first screened, tested, and treated for trash, fecal coliform bacteria, heavy metals, petroleum distillates and any other contaminants. If treatment does not bring sediment to acceptable usable levels, sediment shall be disposed of at an approved disposal site.	Processing pad as appropriate	All sediment contaminant reports submitted to CDPR upon contractor's receiving results.	No deposition of unauthorized contaminants within the reserve or adjacent ocean waters.	CDPR	Pre-construction and throughout project implementation.

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	<u>MM HAZMAT-2 - CONTAMINATES</u> Sediment used for the proposed project shall be screened, tested, and treated; a tracking log or similar safeguard procedure shall be used to ensure all necessary soil testing has been conducted and all identified hazardous substances have been removed prior to the transport and deposition of sediment onto the beach;	Processing pad as appropriate	All sediment contaminant reports submitted to CDPR upon contractor's receiving results.	No deposition of unauthorized contaminants within the reserve or adjacent ocean waters.	CDPR	Pre-construction and throughout project implementation
	Workers shall employ the following measures to minimize exposure to potential pathogens associated with untested sediment or that which was found to be contaminated and not approved of for disposal on beach: 1) Wash hands regularly, especially before eating, drinking, smoking, or using the restroom; 2) Wear gloves; 3) Cover wounds with clean, dry bandages.	Throughout project area	Project monitor to notify CDPR if violations are noted	Clean work environment	Contractor	Daily

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	<u>MM HAZMAT-3 – FIRE PREVENTION</u> A safety plan shall be developed and reviewed by all project staff prior to the start of any work, including measures to reduce fire hazards;	Throughout project area	Contractor to submit plan to CDPR	Safe working environment	CDPR	Pre-construction
	Spark arrestors or turbo-charging (which eliminates sparks in exhaust) and fire extinguishers shall be required for all heavy equipment;	Throughout project area	Included with vehicle regular inspections	Prevent fire ignition	CDPR	Pre-construction and with alteration to fleet
	Work crews shall be required to park vehicles away from flammable vegetation, such as dry grass and brush. At the end of each workday, heavy equipment shall be parked over mineral soil, asphalt, or concrete to reduce the chance of fire;	Throughout project area	Project monitor to notify CDPR if violations are noted	Prevent fire ignition	CDPR	Daily

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	Park staff shall be required to have a State Park radio on-site, which would allow for direct contact to the California Department of Forestry and Fire Protection and centralized dispatch center, to facilitate the rapid dispatch of control crews and equipment in case of a fire. Fire suppression equipment (i.e., fire extinguishers) shall also be available on park grounds.	Throughout project area	Project monitor to notify CDPR if violations are noted	Effective communication	CDPR	With all peace officer patrols
<u>VIII. HYDROLOGY AND WATER QUALITY</u> a) Violate any water quality standards or waste discharge requirements. c) Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river, in a manner which would result in substantial on- or off-site erosion or siltation. d) Substantially alter the	<u>MM WATER QUAL-1</u> Sediment shall be screened to remove trash during the sorting process;	Processing pad	All sediment contaminant reports submitted to CDPR upon contractor's receiving results	Deposition material free of unauthorized pollutants	CDPR	Pre-construction and throughout project implementation
	Sediment shall be tested for fecal coliform bacteria and treated through aeration and UV exposure as necessary prior to use;	Processing pad	All sediment contaminant reports submitted to CDPR upon contractor's receiving results.	Deposition material free of unauthorized pollutants	CDPR	Pre-construction and throughout project implementation
	Sediment shall be tested for contaminants such as heavy metals and petroleum distillates prior to transport to beach;	Processing pad	All sediment contaminant reports submitted to CDPR upon contractor's receiving results.	Deposition material free of unauthorized pollutants	CDPR	Pre-construction and throughout project implementation

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<p>existing drainage pattern of the site or area, including through alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in on- or off-site flooding.</p> <p>f) Substantially degrade water quality.</p>	<p>If contamination is detected, sediments shall not be deposited on beach unless contamination can be removed or treated to acceptable levels.</p>	<p>Processing pad</p>	<p>All sediment contaminant reports submitted to CDPR upon contractor's receiving results.</p>	<p>Deposition material free of unauthorized pollutants</p>	<p>CDPR</p>	<p>Pre-construction and throughout project implementation</p>

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<u>IX. LAND USE AND PLANNING</u> b) Conflict with the applicable land use plan, policy, or regulation of any agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. c) Conflict with any applicable habitat conservation plan or natural community conservation plan.	See MM BIO-1 , MM GEO-1 , MM WATER QUAL-1 , and MM REC-1					
<u>XI. NOISE</u> a) Generate or expose people to noise levels in excess of standards established in a local general plan or noise ordinance, or in other applicable local, state, or federal standards.	<u>MM NOISE-1</u> Construction activities would generally be limited to daylight hours. No work shall take place on holidays. Work should be avoided on holiday weekends (e.g., Thanksgiving, Christmas, New Years);	Throughout project area	Project monitor to notify CDPR if violations are noted	Reduction of noise in excess of standards	CDPR	Throughout project implementation

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d) Create a substantial temporary or periodic increase in ambient noise levels in the vicinity of the project, in excess of noise levels existing without the project.	Internal combustion engines used on the project site would be equipped with a muffler type recommended by the manufacturer. Equipment and trucks should utilize the best available noise-control techniques (e.g., engine enclosures, shrouds, intake silencers, ducts, etc.) whenever feasible and necessary;	Throughout project area	Pre-construction equipment report submitted to CDPR	Reduction of noise in excess of standards	CDPR	Pre-construction and with alteration of fleet
	Truck speed shall be regulated to less than 25 mph (15 mph on the horse trail road per MM AIR -1) to reduce noise levels and protect public safety.	Throughout project area	Project monitor to notify CDPR if violations are noted	Reduce noise, maintain safe working environment	CDPR	Throughout project implementation

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<u>XIV. RECREATION</u> c) Significantly interfere with or impair existing recreational uses or activities.	<u>MM REC-1</u> CDPR shall post notices at key access points in the TRNERR that detail the proposed project's construction schedule, including the timing and duration of planned road or trail closures, and include a map of alternative beach access points and trails which would remain open to the public. Additionally, as soon as the contractor's schedule is established, the open and closed information will be added to the park's website (http://www.tijuanaestuary.org); All notices and boundary markers shall be sturdy enough that they will not make noise in the wind that may distract or startle horses (i.e., use orange mesh or wooden fencing instead of ribbon markers);	Throughout TRNERR; park website	Project monitor to include evaluation of signs in regular reports to CDPR	Minimal conflict with recreation	CDPR	Pre-construction and throughout project implementation.
	CDPR shall post a larger visible sign along Monument Road east of the project area warning the public of ongoing construction activities and likely disruption of recreational access off of Monument Road;	Monument Road	Project monitor to include evaluation of signs in regular reports to CDPR	Minimal conflict with recreation	CDPR	Pre-construction and throughout project implementation.

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	CDPR Visitor Center staff shall be informed of the project and briefed to direct the public to other trail and beach access points;	TRNERR Visitors Center	Copies of construction and monitoring reports held at TRNERR Visitors Center	Minimal conflict with recreation	CDPR	Throughout project implementation
	CDPR shall provide notice of the project on its website;	TRNERR website	CDPR to periodically update/monitor website function	Minimal conflict with recreation	CDPR	Pre-construction and throughout project implementation.
	All sediment hauling and beach area construction activities shall be prohibited on holiday weekends (i.e., November 27 through 30, 2008 for Thanksgiving, December 25 through 28, 2008 for Christmas, January 1 through 4, 2009 for New Year's);	Throughout project area	Notice to contractor	Minimal conflict with recreation	CDPR	Holiday weekends (i.e., November 27 through 30, 2008 for Thanksgiving, December 25 through 28, 2008 for Christmas, January 1 through 4, 2009 for New Year's);
	Monument Road should remain open to BFSP overlook; a flagger should be provided as needed to ensure safe public access to this facility;	Monument Road	Project monitor to include evaluation of access in regular reports to CDPR	Minimal conflict with recreation	CDPR	Throughout project implementation

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	Heavy equipment operators shall be briefed on equipment-equestrian interaction safety. In the event of an encounter with an equestrian during construction, all vehicles shall stop until they are at least 100 yards apart. Honking horns, flashing lights, and yelling at riders and horses shall be prohibited.	Throughout project area	Contractor shall immediately report all negative interactions to CDPR	Avoid negative interactions with public	CDPR	Pre-construction and with changes to staff throughout project implementation.
<u>XV. TRANSPORTATION AND TRAFFIC</u> a) Cause a substantial increase in traffic, in relation to existing traffic and the capacity of the street system (i.e., a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections). e) Result in inadequate emergency access.	<u>MM TRANS/TRAFF-1</u> Notice of hours of project operation and duration, along with a map of the aerial extent of activities and potential access closures shall be posted at all beach and trail access points leading into the project vicinity;	Beach and trail access points into project vicinity	Project monitor to include evaluation of signs in regular reports to CDPR	Informed public	CDPR	Pre-construction and throughout project implementation
	Project traffic control monitors shall be posted at the north and south ends of the beach with the authority to turn beach users away during periods of high activity. However, reasonable attempts shall be made to keep as much of the project area open to access as is deemed safe during project implementation;	North and south ends of beach	Contractor shall immediately report all negative interactions to CDPR	Safe environment	CDPR	Throughout project implementation

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	Traffic control and alternate access route information shall be provided including alternate horse trails. Where equestrian trails must cross truck haul routes, traffic control would be provided to ensure safety to horses and riders.	Beach and trail access points into project vicinity	Project monitor to include evaluation of signs in regular reports to CDPR	Informed public	CDPR	Throughout project implementation